

HAWAII STATE

HOUSE OF REPRESENTATIVES

REGULAR SESSION OF 2012

***ROUGH DRAFT
JOURNAL***

FIFTY-FIFTH DAY

APRIL 24, 2012

OFFICE OF THE CHIEF CLERK

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FIFTY-FIFTH DAY

Tuesday, April 24, 2012

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012, convened at 11:37 o'clock a.m., with Vice Speaker Manahan presiding.

The invocation was delivered by Representative Tom Brower, after which the Roll was called showing all Members present with the exception of Representatives Ching, Oshiro, Say and Tokioka, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Fourth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 1130 through 1157) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 1130, informing the House that on April 20, 2012, the following bill was signed into law:

H.B. No. 1964, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH." (ACT 030)

Gov. Msg. No. 1131, informing the House that on April 20, 2012, the following bill was signed into law:

S.B. No. 2808, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES FOR HEALTH CARE PAYMENTS." (ACT 031)

Gov. Msg. No. 1132, informing the House that on April 20, 2012, the following bill was signed into law:

H.B. No. 994, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE." (ACT 032)

Gov. Msg. No. 1133, informing the House that on April 20, 2012, the following bill was signed into law:

H.B. No. 2162, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM COMMERCIAL CODE ARTICLE 9." (ACT 033)

Gov. Msg. No. 1134, informing the House that on April 20, 2012, the following bill was signed into law:

S.B. No. 3029, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES AND CLARIFYING LANGUAGE." (ACT 034)

Gov. Msg. No. 1135, informing the House that on April 20, 2012, the following bill was signed into law:

H.B. No. 2441, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT." (ACT 035)

Gov. Msg. No. 1136, informing the House that on April 20, 2012, the following bill was signed into law:

H.B. No. 2439, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYER-UNION HEALTH BENEFITS TRUST FUND." (ACT 036)

Gov. Msg. No. 1137, informing the House that on April 20, 2012, the following bill was signed into law:

H.B. No. 2458, entitled: "A BILL FOR AN ACT RELATING TO CONVERSIONS BY NONPROFIT CORPORATIONS." (ACT 037)

Gov. Msg. No. 1138, informing the House that on April 20, 2012, the following bill was signed into law:

H.B. No. 2492, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND." (ACT 038)

Gov. Msg. No. 1139, informing the House that on April 20, 2012, the following bill was signed into law:

H.B. No. 2578, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ADVISORY COUNCIL FOR COMMUNITY SERVICES." (ACT 039)

Gov. Msg. No. 1140, informing the House that on April 20, 2012, the following bill was signed into law:

H.B. No. 2547, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES." (ACT 040)

Gov. Msg. No. 1141, informing the House that on April 20, 2012, the following bill was signed into law:

H.B. No. 2539, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT ABUSE PERPETRATOR CHECKS FOR CHILD CARE PROVIDERS." (ACT 041)

Gov. Msg. No. 1142, informing the House that on April 20, 2012, the following bill was signed into law:

S.B. No. 2229, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VACCINATIONS." (ACT 042)

Gov. Msg. No. 1143, informing the House that on April 23, 2012, the following bill was signed into law:

H.B. No. 2628, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE." (ACT 043)

Gov. Msg. No. 1144, informing the House that on April 23, 2012, the following bill was signed into law:

H.B. No. 1698, entitled: "A BILL FOR AN ACT RELATING TO QUALIFIED COMMUNITY REHABILITATION PROGRAMS." (ACT 044)

Gov. Msg. No. 1145, informing the House that on April 23, 2012, the following bill was signed into law:

H.B. No. 2254, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRETAX TRANSPORTATION BENEFIT." (ACT 045)

Gov. Msg. No. 1146, informing the House that on April 23, 2012, the following bill was signed into law:

S.B. No. 2337, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION." (ACT 046)

Gov. Msg. No. 1147, informing the House that on April 23, 2012, the following bill was signed into law:

S.B. No. 2874, SD 1, entitled: "A BILL FOR AN ACT RELATING TO AIRPORT REVENUE." (ACT 047)

Gov. Msg. No. 1148, informing the House that on April 23, 2012, the following bill was signed into law:

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H.B. No. 1744, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMPENSATION." (ACT 048)

Gov. Msg. No. 1149, informing the House that on April 23, 2012, the following bill was signed into law:

S.B. No. 2671, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING." (ACT 049)

Gov. Msg. No. 1150, informing the House that on April 23, 2012, the following bill was signed into law:

H.B. No. 2602, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CREDIT FOR TIME OF DETENTION PRIOR TO SENTENCE." (ACT 050)

Gov. Msg. No. 1151, informing the House that on April 23, 2012, the following bill was signed into law:

H.B. No. 2598, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRE-SENTENCE REPORTS." (ACT 051)

Gov. Msg. No. 1152, informing the House that on April 23, 2012, the following bill was signed into law:

✓ H.B. No. 2508, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTION AGENCIES." (ACT 052)

Gov. Msg. No. 1153, informing the House that on April 23, 2012, the following bill was signed into law:

H.B. No. 2023, entitled: "A BILL FOR AN ACT RELATING TO THE CENTER FOR NURSING." (ACT 053)

Gov. Msg. No. 1154, informing the House that on April 23, 2012, the following bill was signed into law:

S.B. No. 2759, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES." (ACT 054)

Gov. Msg. No. 1155, informing the House that on April 23, 2012, the following bill was signed into law:

S.B. No. 2752, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC UTILITIES." (ACT 055)

Gov. Msg. No. 1156, informing the House that on April 23, 2012, the following bill was signed into law:

H.B. No. 2591, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ACCRETED LANDS." (ACT 056)

Gov. Msg. No. 1157, informing the House that on April 23, 2012, the following bill was signed into law:

S.B. No. 2850, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GROUNDED VESSELS." (ACT 057)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 785 through 797) were received and announced by the Clerk:

Sen. Com. No. 785, transmitting H.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DEVELOP A STATE ACTION PLAN TO COMBAT CHRONIC OBSTRUCTIVE PULMONARY DISEASE IN THE STATE," which was adopted by the Senate on April 23, 2012.

Sen. Com. No. 786, transmitting H.C.R. No. 9, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO

ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURANCE COVERAGE FOR FERTILITY PRESERVATION PROCEDURES FOR PERSONS OF REPRODUCTIVE AGE WHO HAVE BEEN DIAGNOSED WITH CANCER AND WILL UNDERGO TREATMENT THAT MAY ADVERSELY AFFECT FERTILITY," which was adopted by the Senate on April 23, 2012.

Sen. Com. No. 787, transmitting H.C.R. No. 50, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO RECOGNIZE LOCAL KOREANS BY DIRECTING THE PLACEMENT OF COMMEMORATIVE PLAQUES DESIGNATING THE FORMER SITES OF THE KOREAN CHRISTIAN INSTITUTE," which was adopted by the Senate on April 23, 2012.

Sen. Com. No. 788, transmitting H.C.R. No. 51, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO RECOGNIZE LOCAL KOREANS BY DIRECTING THE PLACEMENT OF A COMMEMORATIVE PLAQUE DESIGNATING THE FORMER SITE OF THE KOREAN BOARDING SCHOOL FOR BOYS AND THE KOREAN METHODIST CHURCH," which was adopted by the Senate on April 23, 2012.

Sen. Com. No. 789, transmitting H.C.R. No. 58, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO DIRECT ELECTRIC UTILITIES TO EXAMINE SPECIFIC RENEWABLE ENERGY STRATEGIES IN THE INTEGRATED RESOURCE PLANNING PROCESS," which was adopted by the Senate on April 23, 2012.

Sen. Com. No. 790, transmitting H.C.R. No. 92, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO CREATE AND ADOPT AN APPROPRIATE FLAG HONORING VETERANS," which was adopted by the Senate on April 23, 2012.

Sen. Com. No. 791, transmitting H.C.R. No. 118, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A SUNRISE REVIEW OF REGULATIONS FOR ZIPLINES AND CANOPY TOURS," which was adopted by the Senate on April 23, 2012.

Sen. Com. No. 792, transmitting H.C.R. No. 169, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ESTABLISHMENT OF KOREATOWN AND DEVELOPMENT OF A MASTER PLAN FOR THE DEVELOPMENT OF A KOREATOWN," which was adopted by the Senate on April 23, 2012.

Sen. Com. No. 793, transmitting H.C.R. No. 177, HD 2, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON REQUIRING INSURANCE COVERAGE FOR THE DIAGNOSIS AND TREATMENT OF AUTISM SPECTRUM DISORDERS," which was adopted by the Senate on April 23, 2012.

Sen. Com. No. 794, transmitting H.C.R. No. 178, HD 1, SD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT OF STATE EXPENDITURES RELATING TO ENERGY CONSERVATION CONTRACTS AND POWER PURCHASE AGREEMENTS," which was adopted by the Senate on April 23, 2012.

Sen. Com. No. 795, dated April 23, 2012, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 108, Hee, Chair; Kim, Co-Chair; Espero
HD 1, SD 2

H.B. No. 1033, Gabbard, Chair; Baker/Ige, Co-Chairs; Kidani,
HD 1, SD 2 Kouchi

H.B. No. 2121, HD 2, SD 1	Gabbard, Chair; Baker/Ige, Co-Chairs; Kouchi, Slom
H.B. No. 2328, HD 1, SD 1	Ige, Chair; Fukunaga, Kidani, Slom
H.B. No. 2529, HD 1, SD 1	Galuteria, Chair; Espero/Kidani, Co-Chairs
H.B. No. 2681, HD 1, SD 1	Espero, Chair; Dela Cruz, Co-Chair; Ryan, Slom

Sen. Com. No. 796, dated April 23, 2012, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bill:

H.B. No. 1875, HD 2, SD 2	Senator Galuteria discharged as conferee and Senator Ihara added as conferee.
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Sen. Com. No. 797, dated April 23, 2012, informing the House that the President has appointed as conferees on the part of the Senate, for the consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 2235, SD 2, HD 2	Fukunaga, Chair; Ige/Baker, Co-Chairs; Slom
S.B. No. 2288, SD 1, HD 1	Gabbard, Chair; Espero/Ige, Co-Chairs; Kouchi
S.B. No. 2402, SD 1, HD 1	Wakai, Chair; Gabbard/Espero, Co-Chairs
S.B. No. 2568, HD 2	Chun Oakland, Chair; Espero, Co-Chair; Ihara, Slom
S.B. No. 3002, SD 2, HD 1	Baker, Chair; Hee, Co-Chair; Slom

ORDER OF THE DAY

UNFINISHED BUSINESS

H.B. No. 2491, HD 1, SD 1:

By unanimous consent, action was deferred one legislative day.

REPORTS OF STANDING COMMITTEES

Representative Yamashita, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1801-12) recommending that S.C.R. No. 90, SD 1, be adopted.

Representative Chong moved that the report of the Committee be adopted, and that S.C.R. No. 90, SD 1, be adopted, seconded by Representative Evans.

Representative Saiki rose to speak in opposition to the measure, stating:

"I have comments in opposition to this measure. My comments are that this measure is part and parcel of a decade-long effort to undo commercial leases in Hawaii which began in the early 2000s in the report issued by the Legislative Reference Bureau. It was a report that was pushed by one of the proponents for this Resolution. Unfortunately, that report did not find in the favor of the proponent, so here we are, back again, requesting the LRB to update its report.

"What's significant is that the LRB in testimony, when this Resolution was heard, concluded that it would be futile to issue an updated report, because, I'll just quote from their testimony, 'Consequently, since no legislative or other effort has been successful in mandating the removal of

"not less than" clauses in lease rent contract, it seems that the recommendations made in the 2003 report would still be applicable and thus, an update by the Bureau would not add any new additional useful information to inform their legislature on this issue.' Thank you, very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 90, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO UPDATE THEIR 2003 REPORT ANALYZING THE MAJOR PROBLEMS FACED BY COMMERCIAL LESSEES BY INCORPORATING AN ECONOMIC ANALYSIS TO DETERMINE IF THERE IS A NEXUS BETWEEN THE EXISTENCE OF HIGH LEASE RENTS IN HAWAII AND THE STAGNATION OF HAWAII'S ECONOMY," was adopted, with Representative Saiki voting no, and with Representatives Oshiro, Say and Tokioka being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1802-12) recommending that S.C.R. No. 77, SD 1, be adopted.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 77, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION TO ESTABLISH A STATEWIDE RESOURCE DEVELOPMENT PROGRAM TO ASSIST THE COMPLEX AREAS IN CREATING ENDOWMENTS TO BENEFIT HAWAII'S PUBLIC SCHOOLS," was adopted, with Representatives Oshiro, Say and Tokioka being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1803-12) recommending that S.C.R. No. 79, be adopted.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 79, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION TO COLLABORATE WITH PARENT ORGANIZATIONS TO ESTABLISH, IMPLEMENT, AND MONITOR STATEWIDE POLICIES FOR FAMILY ENGAGEMENT IN HAWAII'S PUBLIC SCHOOLS," was adopted, with Representatives Oshiro, Say and Tokioka being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1804-12) recommending that S.C.R. No. 80, SD 1, be adopted.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 80, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT RESEARCH ON THE CORRELATION BETWEEN CHILDREN WHO ARE LATE-BORN AND EDUCATIONAL OUTCOMES," was adopted, with Representatives Oshiro, Say and Tokioka being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1805-12) recommending that S.C.R. No. 122, be adopted.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and S.C.R. No. 122, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND STATE LIBRARIAN TO DEVELOP A STRATEGIC PLAN TO OPTIMIZE THE USE OF STATE PUBLIC LIBRARY FACILITIES," was adopted, with Representatives Oshiro, Say and Tokioka being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1806-12) recommending that S.C.R. No. 120, SD 1, be adopted.

Representative Chong moved that the report of the Committee be adopted, and that S.C.R. No. 120, SD 1, be adopted, seconded by Representative Evans.

Representative Takai rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise in support with some reservations on this measure. Thank you, very much. I just don't think it's necessary for the Legislature to request the Board of Education and the Department on their application to United States Department of Education for a waiver of some of the requirements of the No Child Left Behind Act. We already know that they're going to do it.

"In testimony to the Education Committee, the Superintendent said she was already in the process of putting it together, and will be making the request in September. I just have problems with us supporting waiver requirements to the NCLB. Now I agree with it, but I just don't think that this Resolution is necessary. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 120, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION AND DEPARTMENT OF EDUCATION TO APPLY TO THE UNITED STATES DEPARTMENT OF EDUCATION FOR A WAIVER OF THE REQUIREMENTS OF THE NO CHILD LEFT BEHIND ACT," was adopted, with Representatives Oshiro, Say and Tokioka being excused.

LATE INTRODUCTIONS

The following late introduction was made to the Members of the House:

Representative Ward introduced Ms. Sharon Nagasako with the Friends of the Aina Haina Library.

REPORTS OF CONFERENCE COMMITTEES

Representatives Souki, Herkes and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 824, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 5-12) recommending that S.B. No. 824, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 5-12 and S.B. No. 824, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS," was deferred for a period of 48 hours.

Representatives Souki, McKelvey, Keith-Agaran and Yamane, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2419, SD 2, HD 3, presented a report (Conf. Com. Rep. No. 6-12) recommending that S.B. No. 2419, SD 2, HD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 6-12 and S.B. No. 2419, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERSONAL INFORMATION," was deferred for a period of 48 hours.

Representatives Yamane, Herkes and Keith-Agaran, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1957, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 28-12) recommending that H.B. No. 1957, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 28-12 and H.B. No. 1957, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE INFORMATION," was deferred for a period of 48 hours.

SUSPENSION OF RULES

On motion by Representative Evans, seconded by Representative Pine and carried, the rules were suspended for the purpose of considering certain House Bills for Final Reading by consent calendar. (Representatives Oshiro, Say and Tokioka were excused.)

FINAL READING

Representative Chong moved to agree to the amendments made by the Senate to the following House Bills, seconded by Representative Evans and carried: (Representatives Oshiro, Say and Tokioka were excused.)

H.B. No. 1695, (SD 1)
H.B. No. 1764, HD 1, (SD 1)
H.B. No. 2295, HD 1, (SD 2)
H.B. No. 2584, HD 1, (SD 1)

The Chair addressed the Clerk who announced that the record of votes for H.B. No. 1764, HD 1, SD 1; and H.B. No. 2295, HD 1, SD 2, had been received which indicated that the requisite number of House Conferees appointed had agreed to the amendments made by the Senate, and had cast affirmative votes to report said measures to the Floor for final disposition.

H.B. No. 1695, SD 1:

On motion by Representative Chong, seconded by Representative Evans and carried, H.B. No. 1695, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Final Reading by a vote of 48 ayes, with Representatives Oshiro, Say and Tokioka being excused.

H.B. No. 1764, HD 1, SD 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1764, HD 1, on the following showing of Ayes and Noes:

Ayes, 2 (Rhoads and Keith-Agaran). Noes, none. Excused, 1 (Johanson).

On motion by Representative Chong, seconded by Representative Evans and carried, H.B. No. 1764, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENCY OF APPOINTIVE OFFICERS," passed Final Reading by a vote of 48 ayes, with Representatives Oshiro, Say and Tokioka being excused.

H.B. No. 2295, HD 1, SD 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2295, HD 1, on the following showing of Ayes and Noes:

Ayes, 4 (Keith-Agaran, Belatti, Har and McKelvey). Noes, none. Excused, 1 (Thielen).

Representative Chong moved that H.B. No. 2295, HD 1, SD 2, pass Final Reading, seconded by Representative Evans.

Representative Pine rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Pine's written remarks are as follows:

"I stand in strong support of HB 2295, which criminalizes the use of electronic media by perpetrators with the purpose of harassing, alarming,

or annoying a victim. New technologies have provided criminals with an alternative means for harassing and annoying their victims. Prior to this bill, those who were victimized stood defenseless, lacking the necessary protection from criminals who sought to destroy their reputations and cause them mental anguish.

"Our State's prosperity is dependent upon the passing of this bill, as small businesses in the community are among those who have suffered from victimization which has resulted in a loss of profits, and in some cases their business has been entirely destroyed.

"Children in particular are among the most vulnerable to humiliation online. Cyberbullying by classmates has led many teenagers and preteens to commit suicide and experience severe depression. We must ensure that we consider the necessity of severe punishments for online stalkers since harassment can lead to long-term emotional damage for its victims.

"Cyber harassment has the capacity to destroy people's lives and livelihoods to the same extent that other forms of harassment do. We need this bill which adds additional offenses to ensure that the severity of the crimes match the punishment to enable those who have been targeted to find relief.

"For these reasons, I stand in strong support of HB 2295, which adds stiffer penalties for harassing a person through the use of digital media."

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. Please allow me to express my strong support for H.B. 2295. While we have several reasons to remain cautious in interpreting and applying this bill and its language, it leads us in directions crucial to our urgent fight against cyberbullying. H.B. 2295 amends the offense of use of a computer in the commission of a separate crime to also include knowingly using a computer to pursue, servile, contact, harass, annoy or alarm a victim or intended victim of certain offenses.

"Cyberbullying is a growing, and often fatal, problem throughout Hawaii. Whether done among elementary students or corporate co-workers, abuse of the Internet and its uncensored reach can threaten jobs, marriages, and even lives. In 2011, Hawaii suffered the highest attempted suicide rate among teens, approximately double the national average, of 13%. At the 2011 Children and Youth Summit of 125 participants, bullying was voted the top priority for legislative action, receiving nearly three times as many votes as the second priority issue.

"Hawaii's high cost of living, many speculate, forces parents to work multiple jobs, and thus spend less time with their children. Moreover, many local cultures attach stigmas to openly discussing one's emotional wellbeing – or lack thereof – not to mention the topic of suicide itself. Finally, high living costs force many to move around often and stay with various relatives, leaving the online world among the only constants in their lives, and thus most often frequented. These factors render young people – and those of all ages – less likely to seek counsel, and thus to resolve issues plaguing their mental health. Particularly among members of a generation more fluent online than face-to-face, issues may diffuse so quickly via the Internet that friends and family may not become aware until it is too late.

"The Hawaii Youth Services Network suggests that, "creating a criminal offense for cyberbullying will not be sufficient to prevent it from happening and damaging the lives of the victims." Instead of criminal prosecution, the organization prefers constructive measures like mediation and restorative justice. We must not assume that, through retroactive measures like criminal prosecution, we will be taking all the steps possible to actively assisting those at risk. Some alternative suggestions include: character education, parental and community education, and intervention training for teachers and school personnel. Law enforcement should become involved only when all other means fail. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2295, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CYBERBULLYING," passed Final Reading by a vote of 48 ayes, with Representatives Oshiro, Say and Tokioka being excused.

H.B. No. 2584, HD 1, SD 1:

On motion by Representative Chong, seconded by Representative Evans and carried, H.B. No. 2584, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTICE OF WORKERS' COMPENSATION INSURANCE," passed Final Reading by a vote of 48 ayes, with Representatives Oshiro, Say and Tokioka being excused.

At 11:49 o'clock a.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 1695, SD 1
H.B. No. 1764, HD 1, SD 1
H.B. No. 2295, HD 1, SD 2
H.B. No. 2584, HD 1, SD 1

SUSPENSION OF RULES

At this time, the Chair announced:

"Please note that the Chair has discharged the House Conferees previously appointed to H.B. No. 46, HD2, SD2. The House will now proceed to reconsider its disagreement to the Senate amendments, to certain House Bills, including the aforementioned measure."

On motion by Representative Chong, seconded by Representative Evans and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills. (Representatives Oshiro, Say and Tokioka were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative Chong moved that the House reconsider its action previously taken in disagreeing to the amendments made by the Senate, and give notice of intent to agree to such amendments for the following House Bills, seconded by Representative Evans and carried: (Representatives Oshiro, Say and Tokioka were excused.)

H.B. No. 46, HD 2, (SD 2)
H.B. No. 468, HD 1, (SD 2)
H.B. No. 1777, HD 1, (SD 1)

ANNOUNCEMENTS

At 11:51 o'clock a.m. Representative Evans requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:51 o'clock a.m.

Representative Ching: "Thank you, Mr. Speaker. I just wanted to announce that for those of you that might be in the Nuuanu area as part of the vitality program, we are reopening the farmers market. There will be a lot of fresh fruits and vegetables for the people of Nuuanu, to include Liliha. Thank you."

ADJOURNMENT

At 11:52 o'clock a.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 11:30 o'clock a.m. tomorrow, Wednesday, April 25, 2012. (Representatives Oshiro, Say and Tokioka were excused.)

ROUGH DRAFT

HOUSE COMMUNICATIONS

House Communication dated April 24, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. No. 1181, Discharged all conferees.
HD 1, SD 1

House Communication dated April 24, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate on April 12, 2012, and gives notice of intent to agree to the following House Bills:

H.B. No. 46, HD 2, SD 2
H.B. No. 468, HD 1, SD 2
H.B. No. 1777, HD 1, SD 1

House Communication dated April 24, 2012, from CJ Leong, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has this day agreed to the amendments made by the Senate and passed the following House Bills on Final Reading:

H.B. No. 1695, SD 1
H.B. No. 1764, HD 1, SD 1
H.B. No. 2295, HD 1, SD 2
H.B. No. 2584, HD 1, SD 1